

## REMARKS

Claims 1-8 are pending in the application with claim 1 being the only independent claim. Claims 1-8 have been amended. Claims 1-8 have been rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,599,096 (“Totten”).

### Rejection of claims 1-8 under 35 U.S.C. §102(b)

The Office Action states that Totten teaches all of Applicants' recited elements.

Independent claim 1 has been amended to recite a filling level sensor for detecting a fuel filling level in a fuel tank of a motor vehicle, where the fuel tank defines an installation opening through which the level sensor is inserted into the fuel tank. The filling level sensor includes “a float; a lever arm coupled to the float that follows the fuel filling level, the lever arm comprising a plastic clip; a support provided for installation in the fuel tank, the plastic clip being coupled to the support; and wherein the plastic clip comprises a guide part which protrudes laterally over the support and includes a contour that includes a guide curve on a side of the guidepart facing away from the support; and wherein the lever arm is configured to pivot with the plastic clip in response to the fuel filling level when the guide curve contacts a boundary of the installation opening”. Support for the claim amendment can be found in Figs. 1 and 2 and paragraph [0019] of Applicants' specification.

Totten fails to teach or suggest “wherein the lever arm is configured to pivot with the plastic clip in response to the fuel filling level when the guide curve contacts a boundary of the installation opening”, as recited in Applicants' amended claim 1.

Totten discloses a steam driven pump. The pump of Totten includes, inter alia, a flange (20), frame plates (28), a float arm (52), and a float (108).

The Examiner asserts that the plates (28) of Totten include contours with guide curves that can contact the boundary of the installation opening (17), and, therefore, teaches Applicants' recited clip 9. Applicants' submit that the Examiner has misunderstood the subject matter recited in claim 1.

According to Totten, the plates 28 are coupled to the support 20 and thus, does not move or pivot. The float arm 52 is mounted between, and at the end of, the plates 28 (see Figs. 2 and 3 of Totten). As clearly shown in Fig. 4 and described in detail at col. 4, line 63 to col. 5, line 29 of Totten, the float 108 is connected to the float arm 52 (via extension 110), and the float arm is also connected to an actuator assembly 111, which does not contact, and is not influenced or caused to move by any contours on plates 28. As the float 108 of Totten moves up and down, the float arm 52 pivots about axis A (see Fig. 6 of Totten). Clearly, any contours on the plates 28 of Totten do not in any way effect the movement of the float arm 52 when the pump is inserted into opening 17, which is in contrast to that recited in Applicants' claim 1.

Therefore, the "guide curves" on plates 28 of Totten, as interpreted by the Examiner do not contact the installation opening (17) and cause the float arm (52) to pivot, as recited in Applicants' claim 1.

In view of the foregoing, Totten clearly fails teach or suggest the subject matter recited in Applicants' amended independent claim 1. Accordingly, independent claim 1 is patentable over Totten under 35 U.S.C. §102(b).

Claims 2-8, which depend from independent claim 1, incorporate all of the limitations of independent claim 1 and are therefore deemed to be patentably distinct over Totten for at least those reasons discussed above with respect to independent claim 1.

Conclusion

In view of the foregoing, reconsideration and withdrawal of all rejections, and allowance of all pending claims is respectfully solicited.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,  
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Dated: July 1, 2008